

**CHAPTER 55**

**STREETS, SIDEWALKS AND OTHER MUNICIPAL OWNED PROPERTIES**

*Be it enacted by the Board of Trustees of the Village of Arcade (VOA) as follows:*

**ARTICLE I – USE OF SIDEWALKS**

- Section 55-1.** Use of sidewalks, penalty.
- Section 55-2.** Sidewalk repair & construction.
- Section 55-3.** Assessments.

**ARTICLE II – SHADE TREES ALONG STREET**

- Section 55-4.** Lot owner's duty.
- Section 55-5.** Failure to comply.

**ARTICLE III – POLES AND WIRES**

- Section 55-6.** License required, exception; penalty.

**ARTICLE IV – OBSTRUCTION IN STREETS**

- Section 55-7.** Prohibition.
- Section 55-8.** Penalty.

**ARTICLE V – STREET OPENING**

- Section 55-9.** Permit required.
- Section 55-10.** Application for permit.
- Section 55-11.** Backfill requirements.
- Section 55-12.** Street cleanup; removal of snow, etc.
- Section 55-13.** Adequate traffic signs required.
- Section 55-14.** Excavations, construction material adequately barricaded.
- Section 55-15.** Obligation of permittee.
- Section 55-16.** Emergency authorization.

**ARTICLE VI – PENALTIES**

- Section 55-17.** Penalties.

**ARTICLE VII – EFFECTIVE DATE**

- Section 55-18.** Effective Date

**ARTICLE I – USE OF SIDEWALKS**

**SECTION 55-1. USE OF SIDEWALKS, PENALTY.**

- A. VOA sidewalks are located within the public street right-of-way. They are a part of the public way, reserved for pedestrian traffic. Like the streets they are public property.
- B. It shall be the duty of every owner or occupant of any premises fronting on any public street or alley to remove all snow and ice which may have fallen upon the sidewalk in front of said premises daily . The VOA will attempt to assist the occupant of the premise by plowing the sidewalk when the VOA work schedule and equipment availability allow. However, final responsibility lies with the occupant.

In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without material difficulty or injury to the pavement, the owner, occupant or other person having charge of the property shall minimize the hazards of the conditions by spreading upon the sidewalk ashes, sand, sawdust, salt or some suitable material and shall as soon as weather permits, thoroughly clean said sidewalk.

- C. It shall be the duty of every owner or occupant of any premises fronting on any public street or grounds to keep the sidewalk and the area between the sidewalk and street in front of the same in good order and repair and no one shall brush, sweep, shovel, plow or heap any accumulation of refuse or other material into the street, nor allow any accumulation of refuse to remain thereon.
- D. No person shall use any part of any sidewalk or area between the sidewalk and street, alley, parkway, or other public place for the parking, storing, exhibiting, repairing or otherwise caring for automobiles or other vehicles.
- E. No person shall conduct or maintain any sideshow, any vending stand of any nature whatsoever or any mobile lunch counter or stand for the sale of foodstuffs or drinks of any kind upon any sidewalk or street of the VOA without the consent of the VOA Board of Trustees.
- F. No person shall spill, place or deposit upon the sidewalk in the VOA any substance which tends to disintegrate the pavement or is otherwise dangerous for animals, vehicles or persons.
- G. No person shall be permitted to drive equipment upon any sidewalk in the VOA, the wheels of which contain or are equipped with any lugs, spikes or any other wheel equipment causing or liable to cause any indentations or damage to the sidewalk.
- H. No person shall ride, or operate any, motorized vehicle or, snowmobile, nor ride or drive any horse or other farm animal, upon any sidewalk in said VOA, except at the usual places of crossing, or for the reception and discharge of passengers, or for the loading and unloading of goods or for the purposes of cleaning of walks from snow, under a penalty as described in Article VI of this Chapter 55.
- I. No person shall ski, ice skate, or coast on any sidewalk in said VOA upon any sled, ski, skate, toboggan or other vehicle, under a penalty as described in Article VI of this Chapter 55. The use of skate boards or roller skates shall be permitted while reasonably done, except for the sidewalks on both sides of Main Street from Sanford Avenue to Church Street.
- J. The use of bicycles shall be permitted on all sidewalks in the VOA while reasonably done providing that bicyclist yields the right-of-way to any pedestrian.
- K. All ball playing, throwing, passing, batting, kicking or ball practice whatever is hereby prohibited upon the streets and sidewalks of the said VOA, as described in Article VI of this Chapter 55.

**SECTION 55-2. SIDEWALK REPAIR AND CONSTRUCTION.**

- A. The VOA will determine when and where any sidewalk shall be constructed or in need of repair or reconstruction.
- B. Sidewalks will be constructed by the VOA by force account, by award to private contractors in accordance with the laws governing the award of public works contracts, or as otherwise deemed appropriate.
- C. Property owners who desire to repair or reconstruct sidewalks in front of their own premises may do so by making written application to the VOA for approval. Such application shall include proof of providing public liability and property damage insurance. All construction shall be in full compliance with VOA specifications. Such owner will not be required to submit bids, nor to execute a formal contract with the VOA. Such owner will, however, be required to have the VOA inspect the line and grade of forms before the concrete is placed, and who will continuously check the mixing, placing, finishing and curing of the concrete; the placing of barricades, flares, etc. for the protection of the work and the public; and the subsequent removal of the forms and the placing of any topsoil and seeding which may be required.
- D. Property owners who, for reasons of their own, wish to have any sidewalk repaired that is located in VOA street right-of-way may have such work performed by the VOA, subject to VOA work schedules. The owner(s) must make written application to the VOA Board for their approval. In such cases, the owners will be assessed for the full cost of the work.

- E. Whenever sidewalks that are in good condition are damaged or removed by the VOA in connection with any of its operations, the sidewalk will be repaired or replaced at no expense to the owner.
- F. General Specifications
1. The sidewalk shall be four inches (4") in thickness in all locations except at driveway entrances where it shall be six inches (6") in thickness. Forms securely staked to hold the line and grade shall be used. The sidewalks shall be a minimum of five feet (5') wide. The sidewalks shall be constructed parallel to the traveled portion of the street and located so that there is a five foot (5') wide tree lawn between the edge of the roadway curb and the outside edge of the sidewalk.
  2. Concrete shall be made using Portland cement with air entraining admixture to provide four to seven percent (4 - 7%) air. The concrete shall provide a minimum 7 day strength of 2300 psi and a minimum 28 day strength of 3500 psi. The cement and aggregate (pea gravel) shall meet the generally accepted specifications for Portland cement concrete. Proportioning, batching and mixing of concrete shall be in accordance with the Recommended Specifications of the National Ready Mixed Concrete Association.
  3. Wherever the sidewalk intersects a curb, building or permanent structure other than another sidewalk, one-half inch (1/2") pre-molded expansion joint materials shall be used for the full length and depth. Expansion joints of the same materials shall be used between adjacent slabs at intervals not exceeding eighty feet (80'). Sidewalk shall be scored to a depth of at least one inch (1") every four to six feet (4 - 6').
  4. Just prior to placing the concrete, the subgrade shall be moistened. Concrete mixed to the proper consistency shall be placed in the forms and thoroughly tamped in place so that all honey-combs will be eliminated and sufficient mortar will be brought to the surface. After this, the surface shall be brought to a smooth, even finish by means of a float. All faces adjacent to the forms shall be spaded so that after the forms are striped the surface of the face will be smooth, even and free of honey-comb. All edges shall be tool rounded and the sidewalk surface shall be first troweled and then lightly broomed.
  5. When completed, the concrete shall be kept moist for a period of not less than three (3) days and shall be protected from the elements and other damage in a satisfactory manner.
  6. Immediately after removal of the forms, good quality topsoil shall be placed along both sides of the sidewalk and laterally to provide a neat surface without pockets or depressions, uniformly sloped to the abutting private property, curb, ditch line or pavement edge, as the case may be. The topsoil shall be brought to a level not less than two inches (2") below the sidewalk surface and the area lightly raked, seeded and rolled.
  7. In the event of temporary suspension of work or during inclement weather, or whenever the Superintendent of Public Works (SPW) shall direct, work and materials must be carefully protected against damage or injury from the weather. If, in the opinion of the Superintendent, any work or materials shall have been damaged or injured by reason of failure to so protect the work, such materials shall be removed and replaced.

**SECTION 55-3. ASSESSMENTS**

- A. The cost of sidewalk construction shall be met by the general tax levy.
- B. The repair and maintenance of VOA sidewalks shall be the responsibility of the VOA. One exception shall be if the property owner or surrogate damages the sidewalk. In this situation, repair costs will become the responsibility of the property owner or surrogate. If after a 60-day notification period, the property owner or surrogate fails to make repairs, the VOA will make repairs at the owners expense.

- C. The cost of sidewalk construction repair or reconstruction shall be computed by combining all materials relating to the sidewalk constructed and dividing the total by the total number of square feet of standard sidewalk constructed to produce a unit cost per square foot.
- D. In cases where a sidewalk of excess width or thickness is required, or where special construction is required by the owner, the full cost of the excess width, or thickness, or special construction, will be assessed to the property owner.

**ARTICLE II – SHADE TREES ALONG STREET**

**SECTION 55-4. LOT OWNERS DUTY.**

All owners or occupants of lots in said VOA are hereby required to trim the shade trees in front of such lots along the street and all other trees whose branches overhang the sidewalks or streets as may be directed by the SPW from time to time and to keep such trees so trimmed thereafter.

**SECTION 55-5. FAILURE TO COMPLY.**

If the owner or occupant of such premises shall fail to comply with this Section within ten (10) days after receiving notice from the SPW, it shall be the duty of the SPW to authorize the trimming of such trees as aforesaid and such owners or occupants shall be liable to said VOA for the costs thereof.

**ARTICLE III – POLES AND WIRES**

**SECTION 55-6. LICENSE REQUIRED; EXCEPTION; PENALTY.**

No person shall place any electric, telegraph or telephone wire or poles or other wires in, upon or over any of the streets or public places of said VOA, without written permission of the SPW, except in cases where franchises have heretofore been granted, under penalty as described in Article VI of this Chapter 55, and a separate offense shall be deemed to have been committed for each period of 24 hours such violation shall contain.

**ARTICLE IV – OBSTRUCTION IN STREETS**

**SECTION 55-7. PROHIBITION.**

No person shall place or cause to be placed any merchandise shelves, boxes, barrels, crates or obstructions of any kind upon any sidewalk or public place in said VOA so as to obstruct the free passage of people, except when actually engaged in loading or unloading goods. An area not to exceed three feet (3') from the outer wall of the building may be used for the display of merchandise.

**SECTION 55-8. PENALTY.**

Any violation of this Section shall be punishable by a fine as described in Article VI of this Chapter 55 and each day said obstruction shall continue shall be deemed a separate and additional violation.

**ARTICLE V – STREET OPENING**

**SECTION 55-9. PERMIT REQUIRED.**

No person, firm or corporation, excepting employees of the VOA, in the performance of their official duties, shall make or cause to be made, any excavations within the limits of any of the streets, alleys or, other municipal owned properties in the VOA, without first having obtained a permit therefor from the VOA Clerk.

**SECTION 55-10. APPLICATION FOR PERMIT.**

A. Application

The completed Street Opening Permit Application must be issued prior to any excavation within the limits of any streets, alleys, or other public places in the VOA and must clearly describe the property information, property owner, contractor (if applicable), and project description. The application must be signed by the property owner or party authorized by the owner to file this permit application on their behalf.

B. Fees

Every applicant must pay to the VOA Clerk a fee as set forth on the fee schedule adopted by the VOA Board for each excavation.

C. Liability Insurance

Property owners and contractors shall each be required to furnish evidence of general liability insurance by providing a certificate of liability insurance or equivalent. The VOA must be named as an additional insured.. Required policy limits are as follows:

Property Owners: minimum \$300,000 per occurrence

Contractors: minimum \$1,000,000 per occurrence

D. Deposit

Every applicant must pay to the Village Clerk a deposit for each excavation as, determined by the SPW, dependent upon the work to be performed, with a minimum as set forth on the fee scheduled adopted by the VOA Board.

The deposit ensures that all restoration work required of the permittee within the street right-of-way is completed. All work must be inspected by the SPW or his designee. If repairs are found to be necessary, the VOA shall provide five (5) days written notice to the permittee to perform the required work. Should the permittee not make the repairs within the specified time, the VOA will perform the work and the permittee will be required to repay the VOA the additional costs.

The permittee is required to maintain the restoration work during the year following the initial inspection. If repairs are found to be necessary, the VOA shall provide five (5) days written notice to the permittee to perform the required work. Should the permittee not make the repairs within the specified time, the VOA will perform the work and the permittee will be required to repay the VOA the additional costs.

One year after the restoration work is approved by the SPW, the work will be re-inspected. If the re-inspected work meets with the approval of the SPW, the deposit will be returned to the permittee. If not, the VOA shall provide five (5) days written notice to the permittee to perform the required work. Should the permittee not make the repairs within the specified time, the VOA will perform the work and the cost of such repair will be deducted from the deposit.

**SECTION 55-11. BACKFILL REQUIREMENTS.**

Backfill of excavated areas shall be performed in the following manner:

A. General

The permittee shall be responsible for the cost of all excavation and restoration work, including the street paving and replacing any gutters or curbs. All work must follow sound, safe construction practices, including traffic control, shoring, barricading, etc.

All pipes shall be bedded in sand or #1 stone, as approved by the VOA. All excavated areas within the street right-of-way above the bedding material shall be backfilled with dry well-graded, screened bank run gravel. Backfill shall be well compacted. No backfill shall be placed prior to an inspection of the excavation and the backfill materials by the SPW or his designee. Excessive water in the excavation shall be removed before backfilling is commenced.

B. Excavation Within Paved Areas and Shoulders

Wherever the pavement is cut (including paved driveways), excavated material shall be hauled away. The excavation shall be backfilled with dry well graded bank run gravel, placed in well-compacted lifts not to exceed six inches (6"). The excavation shall be completely backfilled to original grade to allow traffic to resume until the VOA is able to pave the excavated area.

The adjacent pavement shall be neatly saw-cut back for a distance of not less than twelve inches (12") from the edge of the excavation. All cuts shall be straight with sides smooth and vertical. The locations and dimensions of all openings to be made in the bituminous surface shall be approved by the SPW or his designee.

All paving and curbs and gutter replacement is the responsibility of the VOA. The VOA will remove any excess fill prior to re-paving. Final repair work will be performed as soon as time and weather allow, but in no case later than the next following July 1.

C. Excavation Outside Paved Areas and Shoulders

The backfill in excavations beyond the pavement and/or shoulder areas but within the street limits shall be compacted in lifts not exceeding twelve inches (12"). A minimum of three inches (3") of topsoil shall be placed and the area seeded or otherwise restored to original condition. Sidewalks shall be constructed in accordance with Section 55-2 of this Chapter.

**SECTION 55-12. STREET CLEANUP; REMOVAL OF SNOW, ETC.**

The permittee shall restore shoulders and ditches and clean up the street as his work progresses. During winter conditions, highway shoulders shall be maintained free of obstructions which would interfere with snow removal or surface drainage.

**SECTION 55-13. ADEQUATE TRAFFIC SIGNS REQUIRED.**

Traffic shall be maintained at all times during the progress of the work excepting under prior arrangements with the VOA Police Department. Adequate signs, barricades and lights SHALL BE USED TO PROTECT THE PUBLIC. Flagmen shall be employed by the permittee to direct traffic during periods when only one-way traffic can be maintained or when equipment is in operation back and forth, across or along the pavement.

**SECTION 55-14. EXCAVATIONS, CONSTRUCTION MATERIAL ADEQUATELY BARRICADED.**

No construction material or equipment shall be left on the shoulders or pavement after working hours. Unattended excavations shall be adequately barricaded during daylight hours and marked with flares, lanterns or flashers during night hours.

**SECTION 55-15. OBLIGATION OF PERMITTEE.**

If necessity arises in the future because of work by the VOA requiring removal, relocation or replacement of the facilities installed under a permit, said work shall be done as directed by the SPW or his designated representative and all costs and expenses so incurred shall be the obligation of the permittee or his successor in interest.

**SECTION 55-16. EMERGENCY AUTHORIZATION.**

In the event of an emergency when the VOA Office is closed, the SPW or his designated representative may authorize the excavation and the permit must be applied for the first day the VOA Office is open. The permittee shall notify the SPW or his designated representative the day he intends to commence the excavation, not less than one (1) hour before starting work, and again immediately upon completion of final work.

**ARTICLE VI – PENALTIES**

**SECTION 55-17. PENALTIES.**

Any person, firm or corporation who violates any provision of this Chapter, shall upon conviction thereof, be fined not less than \$10.00 nor more than \$100.00 for each offense, and a separate offense shall be deemed to have been committed for each occurrence and in the event no corrective action have been taken, for each period of twenty-four (24) hours such violation shall continue.

Any corrective action made by the VOA employees shall be fully paid by the person, firm, or corporation who violates the provision of this Chapter.

**ARTICLE VII – EFFECTIVE DATE**

**SECTION 55-18. EFFECTIVE DATE**

This Local Law shall take effect once filed with the Secretary of State or as noted below.

Continuation (renumbered)  
Local Law No. 2-1968  
Adopted: February 22, 1969  
Posted: February 27, 1969  
Published: February 28, 1969  
Effective: March 10, 1969

Amended  
Local Law No. 1-2006  
Adopted: June 20, 2006  
Effective: January 1, 2007  
Filed: July 13, 2006

Amended  
Local Law No. 2-1987  
Adopted: February 17, 1987  
Filed: February 23, 1987

Amended  
Local Law No. 2-2008  
Adopted: February 5, 2008  
Filed: February 19, 2008

Amended  
Local Law No. 3-1988  
Adopted: November 1, 1988  
Filed: November 10, 1988

Amended - Rev. 7  
Local Law No. 2-2010  
Adopted: 04/20/2010  
Filed: 05/04/2010

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Local Law No. 2-1992  
Adopted: January 7, 1992  
Filed: January 15, 1992

Amended – Rev 8  
Local Law No. 1-2016  
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Filed: February 2, 2016

Amended  
Local Law No. 1-2001  
Adopted: January 16, 2001  
Filed: January 24, 2001